

**IN THE MISSISSIPPI STATE SENATE
IN RE SENATE DISTRICT THIRTY-SEVEN**

PETITIONER

SENATOR MELANIE SOJOURNER

V.

NO. _____

RESPONDENT

BOB M. DEARING

PETITION TO CONTEST ELECTION

COMES NOW Petitioner Senator Melanie Sojourner and files this Petition to Contest the election for Mississippi Senate District Thirty-Seven, and in support thereof would show the following:

1. Melanie Sojourner is an adult resident citizen of Adams County, Mississippi, and after winning the Republican Primary, she was declared the Republican nominee for the Mississippi Senate District Thirty-Seven race in the November 3, 2015, general election.
2. Respondent Bob M. Dearing is an adult resident citizen of Adams County, Mississippi, and can be served with notice of this Petition to Contest Election at his home address of 305 Melrose-Montebello Drive, Natchez, MS 39120. Respondent Dearing, after winning the Democratic Primary, was declared the Democratic nominee in the Senate District Thirty-Seven race in the November 3, 2015, general election.



3. On November 13, 2015, the Circuit Clerks in each of the respective counties certified their elections including the contest for Senate District Thirty-Seven. The following table shows the breakdown of votes received per county for Petitioner Sojourner and Respondent Dearing.

COUNTY	DEARING	SOJOURNER
Adams	3,852	1,825
Amite	1,002	1,751
Franklin	1,593	1,443
Pike	1,771	3,145

According to the certification, Petitioner Sojourner received 8,154 votes and Respondent Dearing received 8,218 votes, a margin of only 64 votes.

CRIMINAL FRAUD IN THE ELECTION PROCESS

4. On November 13, 2015, Mrs. Anita Leonard, a poll watcher for the Republican Party at the Bude precinct in Franklin County during the November 3, 2015, general election, and Mr. Carl Cupit, the bailiff at the Bude precinct in Franklin County during the August 4, 2015, primary election, filed criminal charges against four poll workers and an election commissioner who worked the Bude precinct in the Franklin County November 3, 2015, general election. A true and correct copy of each of the five sworn affidavits provided by Mrs. Leonard are

attached hereto as Exhibit “A”, “B”, “C”, “D” and “E”. A true and correct copy of the sworn affidavit provided by Mr. Cupit is attached hereto as Exhibit “F”.

5. On November 20, 2015, arrest warrants were signed and tendered by Circuit Judge Forrest A. Johnson and the criminal defendants were arrested. In his Order Judge Johnson stated, “The court finds that the sworn affidavits and statements provide an adequate evidentiary basis pursuant to law for a determination of probable cause and issuance of arrest warrants thereon.” A true and correct copy of the Order is attached hereto as Exhibit “G”. The criminal defendants are presently awaiting a trial setting.

6. During the general election in the Bude precinct Petitioner Sojourner received 134 and Respondent Dearing received 376 votes, a margin of 242 votes.

7. Sworn statements of eyewitness testimony from the 2015 primary and general election allege that the charged criminal defendants knowingly and intentionally violated Mississippi law, including, but not limited to violation of Miss. Code. Ann. § 23-15-237, Miss. Code. Ann. § 23-15-269, Miss. Code Ann. § 97-13-33, Miss. Code Ann. § 97-13-31, Miss. Code Ann. § 97-11-37, Miss. Code Ann. § 23-15-549, Miss. Code Ann. § 23-15-437, Miss. Code Ann. § 23-15-477, and Miss. Code Ann. § 23-15-517.

8. Specifically, between the times of 7:45 a.m. and 3:23 p.m., in the Bude precinct during the November 3, 2015, general election, Mrs. Anita Leonard, witnessed and documented approximately 90 improper and illegal actions including, but not limited to: poll workers illegally offering voter assistance to

those who had not requested it and were not blind, physically disabled or illiterate; poll workers illegally attempting to guide, aid, direct, or influence voters in the exercise of their right to vote; poll workers illegally violating the secrecy of the ballot, and poll workers illegally entering the polling booth or voting machine alone with voters.

9. In *O'Neal v. Simpson*, the Mississippi Supreme Court reiterated the strong public policy reasons for strictly enforcing § 23-15-549 by invalidating the votes of persons who were given voting assistance without any indication that they were blind, disabled, or illiterate. *O'Neal*, 350 So. 2d at 1009. As explained by the Court, "The purpose for requiring a declaration by a voter to the election officials of his inability to read, his blindness or his physical disability, rendering him unable to mark his ballot is to protect the voter himself and to preserve the secrecy of his ballot." *Id.* To effectuate this public policy concern, we place the burden on voters to affirmatively request assistance if they needed assistance and forbid such assistance unless the voter falls into one of the three categories described by the statute. *Id.*

10. Moreover, between the times of 7:45 a.m. and 3:23 p.m., in the Bude precinct during the November 3, 2015, general election, Mrs. Anita Leonard, witnessed and documented approximately 30 additional illegal actions including, but not limited to: poll workers illegally failing to consider the qualifications of individuals seeking to vote and/or by not verifying the name on their legal ID as matching their face and the poll book. In so doing, the election workers

knowingly and willfully failed, neglected, or refused to perform the duties required of them by law.

11. The actions referenced above are not isolated. The sworn statement of Mr. Carl Cupit demonstrates a practice, pattern, and propensity for violation of election law by those working the Bude precinct during the November 3, 2015, general election. His statement provides eyewitness testimony to a fraudulent pattern of violations occurring during the 2014 primary and runoff elections, as well as the 2015 primary and runoff election, and references the fact that the Mississippi Secretary of State's office sent a representative to poll watch during both the 2015 primary and runoff elections. This representative specifically admonished one of the accused poll workers, telling her she could not go behind the voting machine with voters, unless strictly following Mississippi law.

12. In an election where there are illegal votes, only the illegal votes are dismissed and the election is determined by the remaining legal votes. *Thompson v. Jones*, 17 So. 3d 524, 527 (Miss. 2008).

13. Upon learning of the alleged election violations at the Bude precinct in Franklin County, Petitioner Sojourner served a Notice of Intent to fully examine all election materials to Respondent Dearing, Franklin County Circuit Clerk Millie Thornton and Adams County Circuit Clerk Eddie Walker on the afternoon of November 13, 2015.

IRREGULARITIES IN ADAMS COUNTY

14. On November 18 and 19, 2015, an examination of election materials was conducted in Adams County by Petitioner Sojourner and a representative, Respondent Dearing and a representative, Adams County Circuit Clerk Eddie Walker and Adams County Attorney Scott Slover. The examination included a review of all absentee and affidavit applications and envelopes. As discussed, *infra*, these materials were not kept in a sealed and locked election box or bag, but were instead in a cardboard box which was sitting on the floor in the election commissioner's office. This office is occasionally locked, but not under seal and other individuals have keys to it. The failure to secure the materials was in violation of state law.

15. Inside the cardboard box was a large envelope containing the applications and envelopes to all rejected affidavits and absentees. Of special interest was the application and envelope for the rejected absentee of Gwen Powers, 567 Lower Woodville Road, Natchez, MS 39120. Both the examination team for Petitioner Sojourner and Respondent Dearing could not determine the reason for which the absentee ballot had been rejected. It was explained by Circuit Clerk Walker that it was rejected because the signature of the actual witness was not written across the flap. It was written, instead, on the line provided for the witness that was to the right of the flap and not actually crossing the flap. Mr. Walker pointed to the area in front (to the left) of the witness line and stated that they should have signed in

that area since it would have allowed for the signature to actually go across the flap as required by Mississippi law.

16. The accepted affidavits and absentees were all inside the same cardboard box. Each precinct was in a separate bundle and held together by a rubber band. Of the 286 accepted absentees there were 234 in which the witness signature was not written across the envelope flap, as required by law. These 234 ballots were then commingled with the remainder of the total of all absentees. The commingling of one illegal class taints the entirety of the absentee ballots. Of this total, 286 votes, Respondent Dearing received 208 votes and Petitioner Sojourner received 74, a margin of 134 votes.

17. Of the accepted absentees in Adams County there were 4, one in each of the following precincts; Bellmont, Beau Pre, Concord, Washington, which had incomplete applications, because the applicant did not provide a reason for voting absentee. These 4 were commingled in with a total of 78 absentees. The commingling of one illegal class taints the entirety of the absentee ballots. In the 4 precincts in which these incomplete absentee applications occurred, Respondent Dearing received 64 votes and Petitioner Sojourner received 19 votes, a margin of 45 votes.

18. In the Carpenter precinct in Adams County, there was 1 accepted absentee that did not have an application attached. It was commingled with 21 other absentees in its precinct. The commingling of one illegal class taints the entirety of

the absentee ballots. In that precinct, Respondent Dearing received 20 votes and Petitioner Sojourner received 5 votes, a margin of 15 votes.

19. In the Airport precinct in Adams County, there was 1 accepted absentee in, which the envelope did not have a seal from either the notary public or circuit clerk's office. It was commingled with 20 other absentees. The commingling of one illegal class taints the entirety of the absentee ballots. In that precinct Respondent Dearing received 16 votes and Petitioner Sojourner received 3 votes, a margin of 13 votes.

20. Of the accepted absentees for permanently disabled individuals in Adams County, there were 10 in which the applicant's witness did not provide either an address and/or title/relationship to applicant, therefore making them illegal and incomplete. These 10 appeared in following precincts: Multi-Purpose Building, Palestine, Bellmont, Liberty Park, and Concord. They were commingled with a total of 123 absentees. In these precincts, Respondent Dearing received a total of 84 votes and Petitioner Sojourner received 26 votes, a margin of 58 votes.

21. The Mississippi Supreme Court has distinguished affidavit ballots from absentee ballots by stating "[a]s opposed to voting at the polls, in a public setting where the integrity of the election process can be ensured, absentee voting takes place in a private setting where the opportunity for fraud is greater." *Campbell*, 733 So. 2d at 827. Furthermore, the Court has held that "[t]he real issue presented by this and many other election contests we routinely deal with is a flawed and failed absentee ballot process. The privilege of

voting by absentee ballot is created by Miss.Code Ann. § 23–15–621 (Rev.2001), and those administering elections must strictly conform to statutory requirements.” *Boyd*, 912 So.2d at 134.

CHAIN OF CUSTODY AND BALLOT BOX SECURITY

22. There are several statutes which specifically address ballot box security. As such, each statute is premised on eliminating fraudulent or corrupt practices and insuring a just and trustworthy result. Ballot box security is essential to producing an election result in which not only the voters, but the candidates themselves, can be confident. *Waters v. Gnemi*, 907 So. 2d 307, 329 (Miss. 2005). For instance, in accordance with section 23–15–911(1), the ballot boxes should have been pristinely maintained and monitored by the circuit clerk who had a duty to safely keep and secure the ballot boxes against any tampering both before and after any box examination. Additionally, Miss. Code Ann. § 23–15–591 governs the immediate post-election handling of ballot boxes by precinct poll managers. Specifically, section 23–15–591 requires that, “[w]hen the count of the votes and the tally thereof have been completed, the managers shall lock and seal the ballot box, having first placed therein all ballots voted, all spoiled ballots and all unused ballots.”

23. Miss. Code Ann. § 23–15–595 states in pertinent part: “[The circuit] clerk shall, in the presence of the manager making delivery of the box, place upon the lock of such box a metal seal similar to the seal commonly used in sealing the

doors of railroad freight cars. Such seals shall be numbered consecutively to the number of ballot boxes used in the election in the county, and the clerk shall keep in a place separate from such boxes a record of the number of the seal of each separate box in the county.” *Waters v. Gnemi*, 907 So. 2d 307, 330 (Miss. 2005)

24. During the Adams County review, it was discovered and documented that several precinct ballot bags were missing locks and seals. Also, of the precinct ballot bags that were locked and sealed on the zipper on the top of the bag, the bag’s contents could still be accessed by a zipper on the side of the bag that was never locked and sealed.

25. The Adams County review also demonstrated disorganization and a lack of security in keeping and maintaining the materials. No “chain of custody” was ever provided from the time of the election till the examination occurred. Absentee and affidavit applications and envelopes were not keep securely locked in the appropriate precinct bag, but were instead all kept together in a cardboard box. None of the machine tapes were kept in their appropriate precinct bags under lock and seal, but were all dumped together in a single open cardboard box. The same was true with machine memory cards and encoders.

26. Such problems were expressly recognized by election officials; for example, during the examination Adams County Election Commission Chairman Larry Gardner stated, “Encoders and memory cards are not where they belong.” This occurred during a time when county officials were having trouble locating the precinct signature books.

ADDITIONAL IRREGULARITIES AND FRAUD

27. On November 18, 2015, an examination of election materials was conducted in Franklin County by Petitioner Sojourner and a representative, Respondent Dearing and a representative, and Franklin County Circuit Millie Thornton.

28. In Franklin County, the absentee ballots did not have the same witness signature problem that appeared in Adams County. This because the Deputy Clerk who was witnessing the ballots actually went back and signed her name across the flap after writing it on the witness line that is actually provided off to the right of the flap. The practice of doing so is documented in other counties in Mississippi to be in compliance with Mississippi election law.

29. Of the accepted absentees in Franklin County, there were 2, one in each of the following precincts; Bad Bayou and Roxie, which had incomplete applications, because the applicant did not provide a reason for voting absentee. These 2 were commingled in with a total of 39 absentees. The commingling of one illegal class taints the entirety of the absentee ballots. In the two precincts in which these incomplete absentee applications occurred, Respondent Dearing received 23 votes and Petitioner Sojourner received 16 votes, a margin of 7 votes.

30. Of the accepted absentees in Franklin County, there was at least one in Bude, Bad Bayou, Meadville, Roxie, and Whittington where the witness signature did not physically go across the envelope flap. The 6 absentee envelopes in which this error occurred on were commingled in, by precinct, with a total of 119

absentees. The commingling of one illegal class taints the entirety of the absentee ballots. In these 5 precincts Respondent Dearing received 72 votes and Petitioner Sojourner received 47, a margin of 25 votes.

31. Mississippi election law requires that when a voter request to vote “curbside” that the ballot must be initialed by the appropriate poll worker or it is invalid. In the McCall Creek precinct of Franklin County there were 3 ballots voted as “curbside” ballots. Each was cast and counted in error, as they were not initialed. Of these ballots, 2 were cast for Respondent Dearing and 1 for Petitioner Sojourner, a margin of 1 vote.

32. Of the accepted absentees for permanently disabled individuals in Franklin County, there were 41 in which the applicant’s witness did not provide either an address and/or title/relationship to applicant, therefore making them incomplete. These 41 appeared in the following precincts; Knoxville, Antioch, Eddiceton, McCall Creek, Pine Grove, Bude, Bad Bayou, Meadville, Lucien, Roxie, Hamburg, and Whittington, and were commingled in with a total of 236 absentees. The commingling of one illegal class taints the entirety of the absentee ballots. In these 12 precincts Respondent Dearing received a total of 130 votes and Petitioner Sojourner received 106 votes, a margin of 24 votes.

33. In the Meadville precinct of Franklin County, there was one absentee that was marked as accepted. Representatives of the Petitioner and Respondent, as well as the Circuit Clerk Millie Thornton, reviewed the ballot and acknowledged that they could find no reason why the absentee should not have been counted.

However, the ballot was still inside the envelope and therefore could not have been counted.

34. In the Lucien precinct of Franklin County, there were two absentees that were marked as accepted. Representatives of the Petitioner and Respondent as well as the Circuit Clerk Millie Thornton, reviewed the ballot and acknowledged that they could find no reason why the absentee should not have been counted. However, both of the ballots were still inside the envelope and therefore could not have been counted.

35. The examination of both the Adams and Franklin County precincts were concluded on the afternoon of November 18, 2015, by representatives of both the Petitioner and Respondent.

RELIEF

36. On this day, December 2, 2015, Petitioner Melanie Sojourner is filing a Petition to Contest Election with the Senate of the State of Mississippi. The Petition is delivered to this body per the mandates of Section 38 of the Mississippi Constitution that the Mississippi Senate is the judge of the qualifications, return and election of its members.

WHEREFOR PREMISES CONSIDERED Petitioner Melanie Sojourner prays as follows:

- A.** That process be issued to Respondent Bob M. Dearing in the time and manner provided by law;

- B. That pursuant to Section 23-15-955 of the Mississippi Election Code and Section 38 of the Mississippi Constitution, the Mississippi Senate investigates the facts concerning the election for Senate District Thirty-Seven, and order any and all appropriate relief;
- C. That pending the investigation and resolution of this matter by the Mississippi Senate, that no person be seated as Senator from Senate District Thirty-Seven;
- D. That the Mississippi Senate reconsider the certification, by the Franklin County Circuit Clerk, of the election returns from the Bude precinct in Franklin County, Mississippi, in the Senate District Thirty-Seven contest from November 3, 2015, and declare the precinct void due to illegal conduct and fraud;
- E. In the alternative, that the Mississippi Senate would follow the standard set forth in *O'Neal v. Simpson*, whereby the Mississippi Supreme Court reiterated the strong public policy reasons for strictly enforcing *Miss. Code Ann.* § 23-15-549 by invalidating the votes of persons who were given voting assistance without any indication that they were blind, disabled or illiterate;
- F. That in an election where there are illegal votes, only the illegal votes are dismissed and the election is determined by the remaining legal votes;

- G.** That the Mississippi Senate evaluate this matter in light of the numerous violations of Mississippi law, including, but not limited to: the improper validation, processing, handling and calculation of absentee, affidavit and curbside ballots in both Adams and Franklin County, along with the security breaches occurring in the handling of the election materials in Adams County;
- H.** That in reaching a resolution to this Petition the Mississippi Senate, first and foremost, consider the preponderance of evidence and supporting case law pertaining to the matter of fraud and criminal conduct in the Bude precinct of Franklin County, Mississippi and invalidate the precinct in which Petitioner Sojourner received 134 votes and Respondent Dearing received 376 votes, a margin of 242 votes. In appropriately voiding the precinct and recalculating the total votes in the election Petitioner Sojourner receives 8,020 votes and Respondent Dearing receives 7,842. Consequently, the Mississippi Senate should declare Petitioner Sojourner as the duly re-elected Senator in the Mississippi Senate District Thirty-Seven race;
- I.** That if the Mississippi Senate finds justifiable reason to not exercise the above resolution to the Senate District Thirty-Seven election that they instead declare the seat vacant and order a special election at such time as shall be determined by the Governor of the State of Mississippi; and,

J. Such other specific and general relief as the Mississippi Senate may deem just and proper.

RESPECTFULLY SUBMITTED this 2 day of December, 2015.


Sen. Melanie Sojourner, Petitioner

**STATE OF MISSISSIPPI
COUNTY OF ADAMS**

PERSONALLY APPEARED before me the undersigned named Melanie Sojourner, who first being duly sworn stated on oath that the matters and facts in the above and foregoing Petition are true and correct as therein stated to the best of her information and belief.

This the 2 day of December, 2015.




NOTARY PUBLIC

**IN THE MISSISSIPPI STATE SENATE
IN RE SENATE DISTRICT THIRTY-SEVEN**

PETITIONER

SENATOR MELANIE SOJOURNER

V.

NO. _____

RESPONDENT

BOB M. DEARING

SUMMONS

THE STATE OF MISSISSIPPI

**TO: BOB M. DEARING
305 MELROSE-MONTEBELLO DR.
NATCHEZ, MISSISSIPPI 39120**

NOTICE

**THE PETITION WHICH IS ATTACHED TO THIS SUMMONS IS
IMPORTANT YOU MUST TAKE IMMEDIATE ACTION TO PROTECT
YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response of the Petition to Contest Election to Senator Melanie Sojourner, the Petitioner, whose address is 438 Upper Kingston Road, Natchez, MS 39120.

You must also file the original of your response with the Secretary of the Mississippi State Senate within a reasonable time afterward.

Issued under the hand and seal of the Secretary of the Mississippi State Senate, this the _____ day of December.

**SECRETARY OF THE SENATE
STATE OF MISSISSIPPI**

BY: _____

EX "A."

On November 3, 2015, I witnessed Prentiss Harris, poll manager for the Bude precinct, violate the oath of her office as expressed in Miss. Code. Ann. § 23-15-237. Specifically, Prentiss Harris committed multiple violations of the law by failing to consider the qualifications of individuals seeking to vote and/or by not verifying the name on their legal ID as matching their face and the poll book. In so doing, she knowingly and willfully failed, neglected, or refused to perform the duties required of her by law.

Her multiple actions were knowingly and intentionally in clear violation of Mississippi law, including, but not limited to, the violation of Miss. Code. Ann. § 23-15-237, Miss. Code. Ann. § 23-15-269, Miss. Code Ann. § 97-13-33, Miss. Code Ann. § 97-13-31, Miss. Code Ann. § 97-11-37, Miss. Code. Ann. § 23-15-549, Miss. Code Ann. § 23-15-437, Miss. Code Ann. § 23-15-477, and Miss. Code Ann. § 23-15-517.

Sworn to and subscribed before me on this
the 3rd day of NOV., 2015

Cheryl Gilbert
CHANCERY CLERK

By Temple, Jr.

My Commission Expires _____

My Commission Expires January 4, 2016

Anita R. Leonard

Anita Leonard
1800 Yapp Rd SE
Meadville MS 39653
601-384-2334



James Whelan
Justice Court DC

Ex. "B"

On November 3, 2015, I witnessed Dona Jones, poll manager for the Bude precinct, violate the oath of her office as expressed in Miss. Code. Ann. § 23-15-237. Specifically, Dona Jones committed multiple violations of the law by interrupting the election process; by offering voter assistance to those who had not requested it and were not blind, physically disabled or illiterate; by attempting to guide, aid, direct or influence voters in the exercise of their right to vote; by preparing the ballot of voters; by violating the secrecy of the ballot, and/or by entering the polling booth or voting machine alone with voters. In so doing, she knowingly and willfully failed, neglected, or refused to perform the duties required of her by law.

Her multiple actions were knowingly and intentionally in clear violation of Mississippi law, including, but not limited to, the violation of Miss. Code. Ann. § 23-15-237, Miss. Code. Ann. § 23-15-269, Miss. Code Ann. § 97-13-33, Miss. Code Ann. § 97-13-31, Miss. Code Ann. § 97-11-37, Miss. Code. Ann. § 23-15-549, Miss. Code Ann. § 23-15-437, Miss. Code Ann. § 23-15-477, and Miss. Code Ann. § 23-15-517.

Sworn to and subscribed before me on the
the 13th day of Nov., 2015.

W. J. Gilbert
J. GILBERT

Chancery Clerk

By Thompson

Anita R. Leonard

Anita Leonard
1800 Yapp Rd SE
Meadville MS 39653
601-384-2334

My Commission Expires January 4, 2016



Donald Wallace
Justice Court DC

11C
On November 3, 2015, I witnessed Margie McNair, poll manager for the Bude precinct, violate the oath of her office as expressed in Miss. Code. Ann. § 23-15-237. Specifically, Margie McNair violated the law by interrupting the election process; by offering voter assistance to those who had not requested it and were not blind, physically disabled or illiterate; by attempting to guide, aid, direct or influence voters in the exercise of their right to vote; by violating the secrecy of the ballot, and/or by entering the polling booth or voting machine alone with voters. In so doing, she knowingly and willfully failed, neglected, or refused to perform the duties required of her by law.

Her multiple actions were knowingly and intentionally in clear violation of Mississippi law, including, but not limited to, the violation of Miss. Code. Ann. § 23-15-237, Miss. Code. Ann. § 23-15-269, Miss. Code Ann. § 97-13-33, Miss. Code Ann. § 97-13-31, Miss. Code Ann. § 97-11-37, Miss. Code. Ann. § 23-15-549, Miss. Code Ann. § 23-15-437, Miss. Code Ann. § 23-15-477, and Miss. Code Ann. § 23-15-517.

Anita R. Leonard

Anita Leonard
1800 Yapp Rd SE
Meadville MS 39653
601-384-2334

Sworn to and subscribed before me
the 13th day of Nov.

John J. Gile
John J. Gile
Chancery Clerk

By _____

My Commission Expires _____
My Commission Expires Jan _____



Kenneth Wallace
Justice Court DC

Ex. "D"

On November 3, 2015, I witnessed Ann Reed, poll manager for the Bude precinct, violate the oath of her office as expressed in Miss. Code Ann. § 23-15-237. Specifically, Ann Reed committed multiple violations of the law by interrupting the election process; by offering voter assistance to those who had not requested it and were not blind, physically disabled or illiterate; by attempting to guide, aid, direct or influence voters in the exercise of their right to vote; by preparing the ballot of voters; by violating the secrecy of the ballot, and/or by entering the polling booth or voting machine alone with voters. In so doing, she knowingly and willfully failed, neglected, or refused to perform the duties required of her by law.

Her multiple actions were knowingly and intentionally in clear violation of Mississippi law, including, but not limited to, the violation of Miss. Code Ann. § 23-15-237, Miss. Code Ann. § 23-15-269, Miss. Code Ann. § 97-13-33, Miss. Code Ann. § 97-13-31, Miss. Code Ann. § 97-11-37, Miss. Code Ann. § 23-15-549, Miss. Code Ann. § 23-15-437, Miss. Code Ann. § 23-15-477, and Miss. Code Ann. § 23-15-517.

Anita R. Leonaco

Anita Leonard
1800 Yapp Rd SE
Meadville MS 39653
601-384-2334

Sworn to and signed by me this day of Nov. 20 15.

Will J. Gilbert
WILL J. GILBERT
Chancery Clerk

By Thompson, Inc.

My Commission Expires January 4, 2016



Jennifer Wallace
Justice Court DC

Ex. "E"

On November 3, 2015, I witnessed Gloria Smith, poll manager for the Bude precinct, violate the oath of her office as expressed in Miss. Code Ann. § 23-15-237. Specifically, Gloria Smith committed multiple violations of the law by failing to consider the qualifications of individuals seeking to vote and/or by not verifying the name on their legal ID as matching their face and the poll book. In so doing, she knowingly and willfully failed, neglected, or refused to perform the duties required of her by law.

Her multiple actions were knowingly and intentionally in clear violation of Mississippi law, including, but not limited to, the violation of Miss. Code Ann. § 23-15-237, Miss. Code Ann. § 23-15-269, Miss. Code Ann. § 97-13-33, Miss. Code Ann. § 97-13-31, Miss. Code Ann. § 97-11-37, Miss. Code Ann. § 23-15-549, Miss. Code Ann. § 23-15-437, Miss. Code Ann. § 23-15-477, and Miss. Code Ann. § 23-15-517.

Anita R Leonard

Anita Leonard
1800 Yapp Rd SE
Meadville MS 39653
601-384-2334

Sworn to and subscribed before me on this
the 13th day of Nov., 2015

Joe J. Gilbert
JOE J. GILBERT
Chancery Clerk
By V. Temple

My Commission Expires
My Commission Expires January 4, 2016

Amirah Wallace
Justice Court Deputy Clerk



Ex. "F"

At the request of the Franklin County Republican Party, I worked the 2014 Primary and runoff elections as bailiff. At the request of Margie McNair, the Democrat Election Commissioner, I worked as Bailiff in the general election of 2014. At the request of the Franklin County Republican Party, I also worked as bailiff in the 2015 primary and runoff elections. I always worked the Bude precinct for District 3 in each of those elections. In each of those elections also, the Democrat and General Election poll workers have always been the same four people with the exception of maybe one time when Ann Reed, one of the usual four workers, was recovering from a knee replacement operation.

The Democrat poll workers were a "D", "Pee Wee", Ann Reed, and a Donna (pronounced as Dawna). Voter ID was first implemented in the 2014 primary and during that election, I challenged the Democrat poll workers for attempting to let a person vote without a valid photo ID. Eventually they backed down and let the voter vote an affidavit ballot. My observations during that election as well as the subsequent elections were that the Democrat poll workers do not take seriously validating the photo ID information of each voter. Because a separate person than the one who looks the voter's name up in the voter book is verifying the ID, no definitive check is actually made to assure the voter is actually the voter listed in the poll or voter book.

In each of the elections I worked, the most serious or most egregious violations of elections laws or election rules were those of Ann Reed. In every election and most especially in the 2015 primary and run off election, Ann went behind the voting machine with numerous voters and allowed two voters behind the same machine and assisted them while they were voting. When these voters showed up to vote, they never formally requested assistance in helping with the voting machines. It was only after they got behind the machine and started the voting process that they would ask Ann for help. Many times, it appeared that Ann was directing the voter how to vote. Generally her discussions with the voters while behind the machine were carried out in a whisper. The conclusion I drew from Ann's action was that she was performing illegal voting activities. The "atmosphere" of the Democrat poll workers was about helping get a specific female Democrat candidate running for the office of Circuit Clerk elected to that office.

A representative from the Secretary of State's office sat and watched the poll activities for a couple of hours in the 2015 primary. He actually asked Ann to get out from behind the voting machine while he was observing. She immediately complied with his request. After he left, though, she continued doing what she has always apparently done, ie, go behind the voting machines and aid, assist, or actually vote for a prospective voter. A female representative from the Secretary of State's office sat and watched the election process during the 2015 runoff election. She never intervened in the election process at all. In a personal conversation with her, I asked her to observe some of the activities of the Democrat poll workers as I thought their activities violated election laws. There was no indication she actually paid any attention to the election process prior to my discussions with her or after my discussions with her.

I also had a couple of conflicts with Margie McNair, the Democrat election commissioner, during the 2015 primary.

Because of the Democrat poll workers having problems tallying or validating the number of people who had voted at the end of the day, during the elections in which I worked, I had begun tallying votes off the machines when voters were not present with the total number of people who had registered to vote. I would do this periodically to prevent serious voter errors from occurring. When I had done this in a previous election, I found that the Democrat poll workers had failed to have two people sign the voter log when they actually voted. A low number of voters had voted at that point and the poll workers were able to accurately correct the problem to my satisfaction. But when I attempted to continue this process during the 2015 primary, Margie McNair emphatically

Ex. "G"

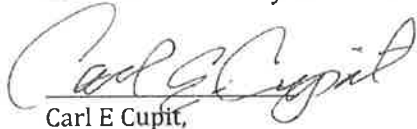
told me that I could not go behind the voting machines. She talked with the male representative from the Secretary of State's office and he told me that I should not be behind the machines. That makes no sense to me since the bailiff can serve as any of the poll workers or vice versa.

Margie also pointedly accused me of looking at the ballot of a voter as that voter was voting. She lied as I would never look at a ballot as a voter was casting his/her ballot. At least one person saw what happened and later told me that she went to the Circuit Clerk's office and filed a complaint against Margie.

Later that day I had declared the polls closed at precisely 7:00 pm as specified in the election laws. Two people who had been told that they needed to get acceptable photo IDs before they could vote showed up shortly after I announced that the polls were closed. Margie McNair happened to be standing nearby and suggested to me that I let them go ahead and vote. I did let them vote but later regretted that I had done so. It seemed such a gray area at the time but thinking about it later, I do not feel they should have been allowed to vote. I was dismayed, though, that an election commissioner who supposedly knows the election laws would suggest that I do something that violates the law. This makes me wonder how many other laws and rules she bends to try and achieve the results she wants.

This also addresses my feelings of the Democrat poll workers. In their desire to achieve a desired outcome of an election, they are eager to get or assist people to vote in the manner they desire to achieve that outcome. Their position with working the polls is much more subjective than objective, ie, achieving a certain result as opposed to running the election in the "spirit of the law".

This account of the voting process at the Bude, Mississippi precinct is given of my own free will and accord and is hereby sworn to in the presence of a notary public.


Carl E Cupit,

Date: 11/12/15

Lacey Wheeler - Notary Public



Commission expires:
12/14/15